

### § 251.23

Code, except for those which are specifically excepted and covered in the Special Category.

#### § 251.23 Manual category.

(a) Those manual-type occupational groupings that elsewhere in the Federal government are usually covered by the Federal Wage System, i.e., those that encompass the unskilled, semi-skilled, and skilled manual-labor occupations in the trades, crafts, and related employment. This category does not include those positions that are specifically excepted and placed in the special category.

(b) The PAPB shall prescribe standards for grading manual category jobs. Whenever a job-grading standard under the Federal Wage System is utilized, the PAPB shall modify it if necessary to take into account any significant differences in knowledge, skill, or responsibility requirements that are found between the job covered by the Federal Wage System standard and the Canal Area position to which it is applied.

#### § 251.24 Special category.

Those occupational groupings which are excepted from the Non-Manual and Manual categories, and whose bases have been traditionally or by statute evaluated, classified, and titled by reference to applicable Government or industry standards for the same or similar work.

#### § 251.25 Basic compensation.

(a) For employees not entitled to the differential prescribed by § 251.31 or the additional remuneration prescribed by § 251.32, the rates of pay shall be the base salary or wage rates prescribed by § 251.13. For employees who are entitled to the differential prescribed by § 251.31 or the additional remuneration prescribed by § 251.32, the rates of pay shall be the base salary or wage rate plus the applicable differential or additional remuneration. The aggregate pay thus derived shall be considered basic compensation.

(b) An employee shall not be paid, except as provided in paragraph (c) of this section, basic compensation as defined in paragraph (a) of this section at a rate in excess of the rate of basic pay

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payable for Level V of the Executive Schedule.

(c) The Deputy Administrator and the Chief Engineer of the Panama Canal Commission shall not be paid basic compensation as defined in paragraph (a) of this section at a rate in excess of the rate of basic pay payable for level IV of the Executive Schedule.

[56 FR 40555, Aug. 15, 1991]

#### § 251.31 Tropical differential.

(a) An overseas tropical differential for an employee in the category established by § 251.12(b)(1) who is a United States citizen employee and who qualifies under the provisions of paragraph (b) of this section, shall be fixed by the head of each agency in an amount equal to 15 percent of the applicable base wage or salary established under § 251.13.

(b) The tropical differential prescribed by paragraph (a) of this section shall be paid to each United States citizen employee who qualifies under the following rules:

(1) To be eligible, the employee must have continuously occupied a position, other than a position the rates of pay for which are fixed in accordance with rates of pay for the same or similar work performed outside the continental United States, since: (i) Recruitment or transfer by a department from a place (other than the former Canal Zone) under the jurisdiction of the United States, or (ii) Separation from the Armed Forces of the United States or from employment with a United States firm, organization, or interest under conditions which provided by contract for return transportation to a place (other than the former Canal Zone) under the jurisdiction of the United States.

(2) When the employee is married to another employee eligible for the differential prescribed by this section, the differential may be paid to one spouse only.

(3) The employee whose spouse is a member of the U.S. military service stationed in the area may be paid the differential only to the extent that the amount of the differential otherwise payable exceeds the amount of the total housing allowance (BAQ plus the

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housing portion of the station allowance) established for Panama, Republic of Panama, for a military member having the same rank and family size as the employee's military spouse. The employee whose spouse, by reason of U.S. Government employment in the Republic of Panama, is eligible under the Department of State Standardized Regulations (Government Civilian, Foreign Areas) (DSSR) for a living quarters allowance (LQA) may be paid the differential only to the extent that the amount of the differential otherwise payable exceeds the amount of LQA established for Panama, Republic of Panama, by sections 920 and 932.22 of the DSSR for one in the same quarter group and with the same family size as the employee's spouse.

(4) Tropical differential may be paid only to an individual whose retention the head of the agency determines is essential.

(c) The rule set forth in paragraph (b)(1) of this section shall not disqualify the employee who has been continuously employed since July 3, 1976, and who on that date was: (1) Receiving a differential, (2) Not receiving a differential because the employee's spouse was receiving a differential or a housing or living quarters allowance, (3) Not receiving a differential because the employee was under 21, unmarried, and the child or stepchild of a resident of the former Canal Zone or the Republic of Panama, or (4) Not receiving a differential solely because such payment when combined with his or her aggregate compensation established under prior regulations in this subpart would have exceeded the then current rate of step 5, GS-17, of the General Schedule previously set out in 5 U.S.C. 5332(a).

(d) The rules set forth in paragraph (b)(2) and (3) of this section shall not disqualify for the differential the employee who is living apart from his or her spouse while party to a pending action for divorce or separate maintenance filed in a court of competent jurisdiction.

(e) The rules set forth in paragraph (b)(1) of this section shall not disqualify an employee who has been continuously employed as a medical doctor since August 15, 1991 and who on

that date was receiving the tropical differential.

[47 FR 12952, Mar. 26, 1982, as amended at 56 FR 40556, Aug. 15, 1991]

### **§ 251.32 Additional remuneration under Panama Canal Treaty.**

(a)(1) An overseas Panama Area differential for an employee in the category established by §251.12(b)(2) and who qualifies under the provisions of paragraph (b) of this section shall be fixed by the head of each agency for each position in an amount equal to (i) the rate of basic pay for the same or similar work performed in the continental United States by employees of the Government of the United States plus (ii) an amount equal to 15 percent of that rate, less (iii) the base rate of pay established for the position pursuant to §251.13. The amount of the differential shall not exceed 25 percent of the rate of pay for the same or similar work performed in the United States by employees of the Government of the United States.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, the Panama Area differential for pilots in the category established by §251.12(b)(2), employed in the navigation of vessels in the waters of the Panama Canal, who qualify under the provisions of paragraph (b) of this section, shall be an amount equal to 15 percent of the base salary established under §251.13.

(b) The Panama Area differential prescribed by paragraph (a) of this section shall be paid to each employee who qualifies under the following rules:

(1) An employee is eligible if recruited from outside the Republic of Panama for placement in Panama.

(2) The Panama Area differential may be paid only to an individual whose recruitment or retention the agency head determined to be essential.

(c) The rates of the Panama Area differential prescribed by this section shall be adjusted by heads of agencies with reference to changes in rates of pay for United States Government employees in the continental United States.

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